

Schena, Cristeen

From: Rapp, Steve
Sent: Thursday, July 30, 2015 4:10 PM
To: EPHILLIPS@RC.com
Cc: Osbahr, Bill; Olivier, Tom; Keefe, Jerome C.; Mohamoud, Abdi; Sansevero, Christine; Looney, Michael
Subject: RE: EPA / SMM NEC - Johnston, Rhode Island

Mr. Phillips,

Good afternoon. It appears that the email address for me that Tom Olivier provided was outdated but Bill Osbahr forwarded the message to me. As you know, Mr. Olivier is on leave this week. Given your email below and the questions/concerns you raise, I would like to talk internally with the team here before we finish planning the site visit. So, rather than August 5th, I suggest that we wait until late next week when Tom is back in the office to resume our site visit planning efforts. Thank you for your patience. Feel free to contact me if you have any questions.

Steve

Steve Rapp
Chief, Air Technical Unit
U.S. E.P.A., Region 1
5 Post Office Square, Suite 100
Boston, MA 02109
617-918-1551

-----Original Message-----

From: Phillips, Earl [mailto:EPHILLIPS@RC.com]
Sent: Tuesday, July 28, 2015 11:13 AM
To: Osbahr, Bill
Cc: Olivier, Tom; srapp@epa.gov; Miller Scott A. Esq.; Schaefer, Jon; Phillips, Earl; Adams, Kathy
Subject: EPA / SMM NEC - Johnston, Rhode Island

Bill -

Thank you for your recent email. We were sorry to learn that none of the dates that our team proposed worked for you, but wanted you to know that we are doing our best to adjust schedules in the hope that we might be able to accommodate your alternative of August 5, 2015.

As we work on scheduling, we thought it was important to both reflect back on the tremendous progress that was made during our June 16, 2015 meeting in Boston and to focus the upcoming field meeting to be consistent with that progress. As I felt that elements of this communication might go beyond scheduling, I called Atty. Olivier in advance of writing this to confirm my understandings from our last meeting and let him know that I would be writing to you. Atty Olivier confirmed my recollection and asked that I copy him as well as Steve Rapp on this email.

In a nutshell, my recollection was/is that at our June 16, 2015 meeting the US EPA and SMM New England Corporation (SMM NEC) agreed that the substitute Testing Order:

1. Would not require a temporary or permanent "enclosure", but rather would call for a temporary or permanent "hood-like" structure; 2. Would not require negative pressure in the structure but would rather call for an appropriate and agreed upon air flow; 3. Would call for this "hood-like" structure be located proximate to and down process line from the hammer mill; and 4. Would acknowledge that the "hood-like" structure would be designed and advanced provided it was "reasonable" and "safe".

It was following this agreement and further efforts related to the Testing Order that Atty Olivier suggested that perhaps it would be more efficient for the technical meeting between our client's inhouse and outside experts and you to occur prior to issuing the Testing Order as opposed to within 30 days of the Order's issuance. We could see the merit in this suggestion and welcomed the opportunity. As we began this scheduling effort, we always understood that the meeting would be to work on and refine the technical considerations that would be related to this "hood-like" structure.

Given this agenda and our client's desire to move forward with the discussion of the size/shape/engineering of the "hood-like" structure, we would prefer to maintain the focus of this meeting on the task at hand that will ultimately yield the most reliable data as opposed to engaging in qualitative testing or evaluation at this time.

Assuming you agree with this summary and approach, we will continue with efforts to adjust the calendars of our inhouse and outside experts to meet on August 5, 2015.

I look forward to hearing from you.

Sincerely,

Earl Phillips

Sent from my iPad

This transmittal may be a confidential attorney-client communication or may otherwise be privileged or confidential. If it is not clear that you are the intended recipient, you are hereby notified that you have received this transmittal in error; any review, dissemination, distribution, or copying of this transmittal is strictly prohibited. If you suspect that you have received this communication in error, please notify us immediately by telephone at 1-860-275-8200, or e-mail at it@rc.com, and immediately delete this message and all its attachments.
